

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TIMOTHY MURPHY,)	
)	Civil Action No. 07 - 823
Plaintiff,)	
)	Chief Judge Donetta W. Ambrose /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
FAYETTE COUNTY PRISON,)	
)	
Defendant.)	

ORDER

The Plaintiff filed a letter with the Clerk of Court on July 23, 2007, which this Court has interpreted as a motion seeking several things from the Court.

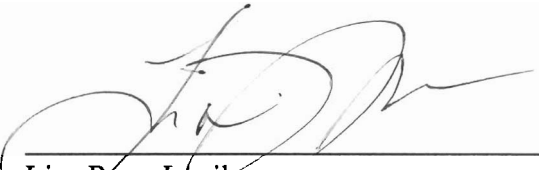
Then first item Plaintiff requests is to amend his complaint. This motion is not necessary. The Plaintiff is entitled to amend his complaint once without leave of Court since no responsive pleading has been filed. The Court, however, will grant his request. The Court notes, however, that as service has not yet been effectuated, the Plaintiff must file his amended complaint with the Clerk of Court as well as provide service copies, a United States Marshal Form 285 and Notice of Lawsuit and Request for Waiver of Service of Summons for each named defendant.

The second item requested is immediate injunctive relief. While the Plaintiff is entitled to request injunctive relief, he must file a motion specifically requesting what relief he wants and why he believes he is entitled to it. While the letter mentions ". . . deliberate indifference, gross negligence, and exhaustion of administrative remedies.", there are no examples given nor any supportive documentation provided. Should the Plaintiff desire to seek some form of injunctive relief, he must file a motion with the Court that clearly states the basis of his request and the desired remedy he is seeking.

The final item requested was for the appointment of counsel. While the Plaintiff has the right to ask for legal representation from the Court, it is premature at this juncture. Should Plaintiff wish to pursue the appointment of counsel, he would need to file a separate motion. The Court would note that counsel requests are generally considered if the case were to survive summary judgment. Therefore,

IT IS ORDERED this 27th day of July, 2007, that Plaintiff's Motion to Amend Complaint (Doc. No. 6) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff file his amended complaint with the Clerk of Court no later than August 16, 2007. Plaintiff shall provide service copies of his amended complaint as well as a United States Marshal Form 285 and Notice of Lawsuit and Request for Waiver of Service of Summons for each named defendant.



Lisa Pupo Lenihan
United States Magistrate Judge

cc: Finance Office

Timothy Murphy
Fayette County Prison
12 Court Street
Uniontown, PA 15401